

# COPY

Attorney Docket No. RADNT-017B

## DECLARATION OF INVENTORSHIP and LIMITED POWER OF ATTORNEY

As a below named inventor, I believe that I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled "Method and System for Control of a Patient's Body Temperature by way of a Transluminally Insertable Heat Exchange Catheter," which is described and claimed in Application No.(to be determined) filed herewith, or to be filed and for which a patent is sought. My residence, post office address and citizenship are as stated below next to my name.

I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to herein.

I acknowledge my duty under Title 37, Code of Federal Regulations § 1.56(a) to disclose information which is material to the patentability of the invention I am claiming.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application: 60/185,561, filed February 28, 2000, now pending; application 09/563,946, filed May 2, 2000, now pending; and application 60/219,922 filed July 21, 2000, now pending.

As a named inventor and until I assign my rights to the invention, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith on my behalf: **Frank J. Uxa**, Reg. No. 25,612; **Donald E. Stout**, Reg. No. 34,493; **Robert D. Buyan**, Reg. No. 32,460; **Kenton R. Mullins**, Reg. No. 36,331; **Guy L. Cumberbatch**, Reg. No. 36,114; **Jo Anne M. Ybaben**, Reg. No. 42,243; and **Philip H. Haymond**, Reg. No. 38,177, all of the firm STOUT, UXA, BUYAN & MULLINS, LLP,. Send correspondence and direct telephone calls to: **Robert D. Buyan**, **Stout, Uxa, Buyan & Mullins, LLP**, 4 Venture, Suite 300, Irvine, CA 92618; telephone (949) 450-1750, facsimile (949) 450-1764, email: [rbuyan@patlawyers.com](mailto:rbuyan@patlawyers.com).

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

Timothy R. Machold of Moss Beach, California, a citizen of United States. Post office address: 65 Bernal Ave., Moss Beach, CA 94038

Signature: Timothy R. Machold Date: 10/19/00

Wade A. Keller of San Jose, California, a citizen of United States. Post office address: 6183 Dunn Avenue, San Jose, CA 95123

Signature: Wade A. Keller Date: 10/17/2000

Alex T. Roth, of Redwood City, California, a citizen of United States. Post office address: 1354 Regent Street, Redwood City, CA 94016 (9406)

Signature: Alex T. Roth Date: 10/17/00

Nicole Denise Bloom, of San Francisco, California, a citizen of United States. Post office address: 924 Guerrero Street #11, San Francisco, CA 94110

Signature: Nicole Bloom Date: 10/18/00

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PTO/SB/82 (10-00)

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## REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/707,257
Filing Date	11/16/2000
First Named Inventor	Machold, T. et al.
Group Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	RADME-58704

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

A Power of Attorney or Authorization of Agent is submitted herewith.

OR

Please change the correspondence address for the above-identified application to:

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I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

### SIGNATURE of Applicant or Assignee of Record

Name	Paul M. Stull, General Counsel/Assistant Secretary Radiant Medical, Inc.
Signature	
Date	November 7, 2001

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below\*.

\*Total of 1 forms are submitted.

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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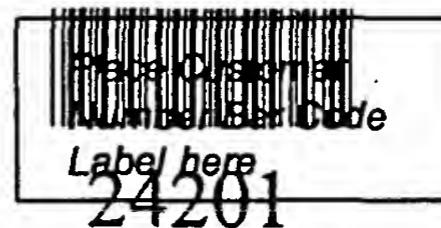
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## POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/707,257
Filing Date	11/16/2000
First Named Inventor	Machold, T.
Title	Method & System for Cont...
Group Art Unit	3764
Examiner Name	Unassigned
Attorney Docket Number	RADME-58704

I hereby appoint:

Practitioners at Customer Number  →   
**OR**  
 Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

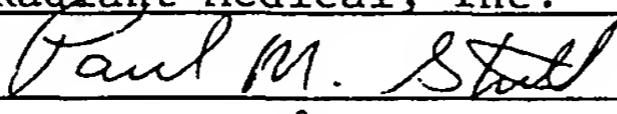
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**OR**  
 Practitioners at Customer Number  →   
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<input type="checkbox"/> Firm or Individual Name	PATENT TRADEMARK OFFICE		
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Country			
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Applicant/Inventor.  
 Assignee of record of the entire interest. See 37 CFR 3.71.  
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\*Total of \_\_\_\_\_ forms are submitted.

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**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: MacHold, T. et al.Application No./Patent No.: 09/707,257 Filed/Issue Date: 11/16/2000Entitled: METHOD AND SYSTEM FOR CONTROL OF A PATIENT'S BODY TEMPERATURE BY WAY OF RADIENT MEDICAL, INC., a California corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
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Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

November 7, 2001

Date

Paul M. Stull

Typed or printed name

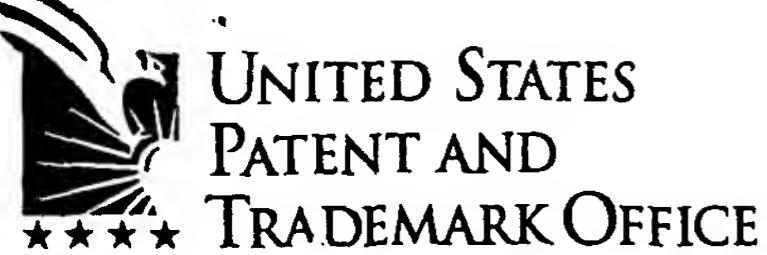


Signature

General Counsel and Assistant Secretary

Title

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FEBRUARY 01, 2002

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STOUT, UXA, BUYAN & MULLINS, LLP  
ROBERT D. BUYAN  
4 VENTURE, SUITE 300  
IRVINE, CA 92618

Under Secretary of Commerce For Intellectual Property and  
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Washington, DC 20231  
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\*101954420A\*

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RECORDATION DATE: 11/06/2000

REEL/FRAME: 012353/0719

NUMBER OF PAGES: 7

BRIEF: ASSIGNMENT OF ASSIGNEE'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNEE:

MACHOLD, TIMOTHY R.

DOC DATE: 10/19/2000

ASSIGNEE:

KELLER, WADE A.

DOC DATE: 10/17/2000

ASSIGNEE:

ROTH, ALEX T.

DOC DATE: 10/17/2000

ASSIGNEE:

BLOOM, NICOLE DENISE

DOC DATE: 10/18/2000

ASSIGNEE:

RADIANT MEDICAL, INC.  
250 CHESAPEAKE DR.  
REDWOOD CITY, CALIFORNIA 94063

SERIAL NUMBER: 09707257

FILING DATE: 11/06/2000

PATENT NUMBER:

ISSUE DATE:

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ASSIGNMENT DIVISION  
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10/19/00  
10/19/00

1. Name of conveying party(ies):  Timothy R. Machold, Wade A. Keller, Alex T. Roth, Nicole Denise Bloom		2. Name and address of receiving party(ies):  Radiant Medical, Inc. 250 Chesapeake Dr. Redwood City, CA 94063  A California corporation.
Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
3. Nature of conveyance:  <input checked="" type="checkbox"/> Assignment <input type="checkbox"/> Merger <input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name <input type="checkbox"/> Other _____		
Execution Date: 10/17/00, 10/18/00 and 10/19/00		
4. Application number(s) or patent number(s):  If this document is being filed together with a new application, the filing date of the application is: 10/17/00, 10/18/00 and 10/19/00		
A. Patent Application No.(s):  [Application No.]		B. Patent No.(s):
Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
5. Name and address of party to whom correspondence concerning document should be mailed:  Robert D. Buyan Stout, Uxa, Buyan & Mullins, LLP 4 Venture, Suite 300 Irvine, CA 92618  11/09/2000 AZERGAW1 00000029 09707257 4 FC:581    40.00 OP		6. Total number of applications and patents involved: 1  7. Total Fee (37 CFR 3.41).....\$40 <input checked="" type="checkbox"/> Enclosed (Check No. [Check No.]) <input checked="" type="checkbox"/> Authorized to be charged to deposit account if fee is insufficient.  8. Deposit account number: 50-0878  (Attach duplicate copy of this page if paying by deposit account.)
DO NOT USE THIS SPACE		
9. Statement and signature.  <i>To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.</i>		Attorney Docket No. RADNT-017B
ROBERT D. BUYAN Name of Person Signing		November 6, 2000 Signature    Date
Total number of pages including cover sheet, attachments and document: 7 (incl cover sheet)		

## ASSIGNMENT

Name(s) of Inventor(s): Timothy R. Machold, Wade A. Keller, Alex T. Roth and  
Nicole Denise Bloom

Name of Assignee: RADIANT MEDICAL, INC.

State of Incorporation of Assignee: California

Address of Assignee: 250 Chesapeake Drive, Redwood City, CA 94063

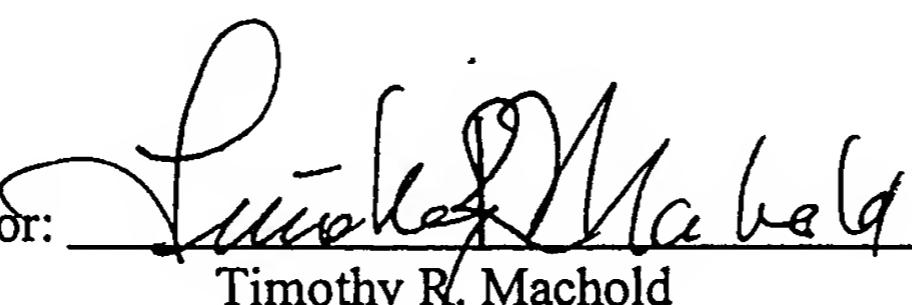
Title of Application: **METHOD AND SYSTEM FOR CONTROL OF A PATIENT'S BODY  
TEMPERATURE BY WAY OF A TRANSLUMINALLY INSERTABLE HEAT  
EXCHANGE CATHETER**

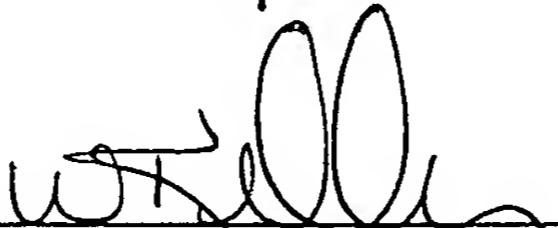
Application No.: Unknown Date of Filing of Application: Herewith

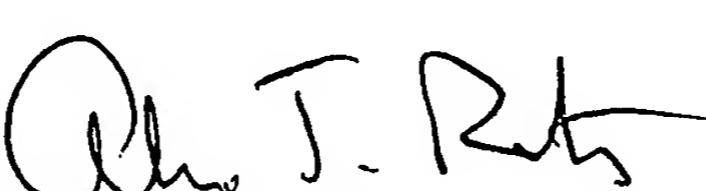
1. In consideration of the sum of \$1.00 and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the undersigned agree(s) to sell, assign and transfer and does (do) hereby sell, assign and transfer to the above-named Assignee, its successors and assigns, the entire and exclusive right, title and interest in and to the inventions claimed and described in the above-identified patent application in the United States and throughout the world, and in and to any applications for patent and patents which may be granted and issued thereon in any and all countries, and in and to any continuations, divisions, reissues and extensions of said application(s) and patent(s) and all international priority rights associated therewith. The undersigned agree(s) to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.
2. The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning this application or continuation or division thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.
3. The undersigned agree(s) to execute all papers and documents and perform any act which may be necessary in connection with claims or provisions of the International Convention for Protection of Industrial Property or similar agreements.
4. The undersigned agree(s) to perform all affirmative acts which may be necessary to obtain a grant of a valid United States patent to the Assignee.
5. The undersigned hereby represent(s) and warrant(s) that no other assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment.
6. The undersigned hereby authorize and request the Commissioner of Patents to issue any and all Letters Patents of the United States resulting from said application or any division or divisions or continuing applications thereof to the Assignee, as Assignee of the entire interest, and hereby

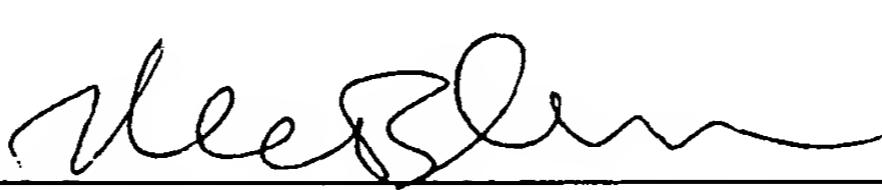
covenant that they have full right to convey the entire interest herein assigned, and that they have not executed any agreement in conflict herewith.

7. The undersigned hereby grant Donald E. Stout, Reg. No. 34,493; Frank J. Uxa, Reg. No. 25,612; Robert D. Buyan, Reg. No. 32,460; Kenton R. Mullins, Reg. No 36,331; Guy L. Cumberbatch, Reg. No. 36,114; Philip H. Haymond, Reg No. 38,177, Jo Anne M. Ybaben, Reg No. 42,243 the power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

Signature of Inventor:  Date: 10/19/00  
Timothy R. Machold

Signature of Inventor:  Date: 10/17/2000  
Wade A. Keller

Signature of Inventor:  Date: 10/17/00  
Alex T. Roth

Signature of Inventor:  Date: 10/18/00  
Nicole Denise Bloom

# ALL-PURPOSE NOTARIAL ACKNOWLEDGMENT

State of California

County of San Mateo

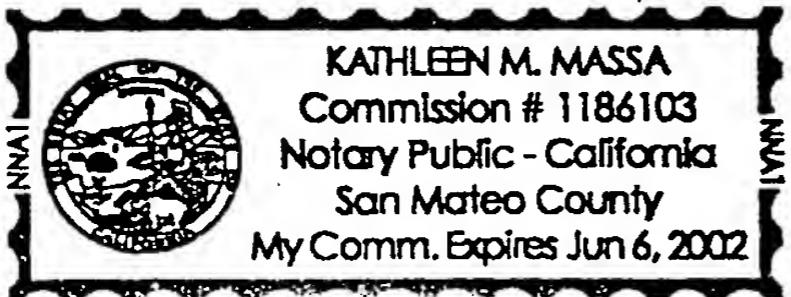
On October 20, 2000 before me, Kathleen M. Massa, Notary Public,  
(Date) (Name, Title of Officer)

personally appeared Nicole Denise Bloom

personally known to me

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proved to me on the basis of satisfactory evidence to be the person whose name is  
subscribed to the within instrument and acknowledged to me that he/she executed the  
same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Kathleen M. Massa

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INDIVIDUAL  
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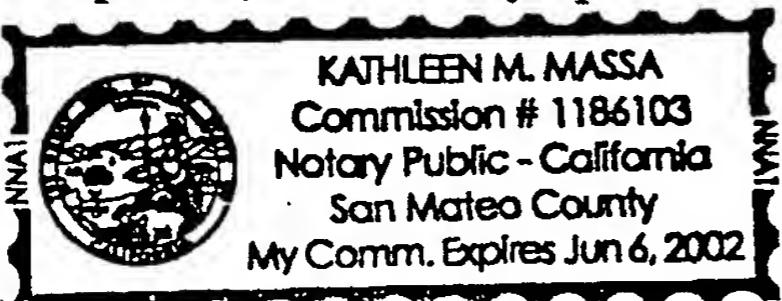
On October 20, 2002 before me, Kathleen M. Massa, Notary Public,  
(Date) (Name, Title of Officer)

personally appeared Alex T. Roth

personally known to me

- OR -

proved to me on the basis of satisfactory evidence to be the person whose name is  
subscribed to the within instrument and acknowledged to me that he/she executed the  
same in his/her authorized capacity, and that by his/her signature on the instrument the  
person, or the entity upon behalf of which the person acted, executed the instrument.



WITNESS my hand and official seal.

Kathleen M. Massa

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## SIGNER (OTHER THAN NAMED ABOVE)

SIGNER IS REPRESENTING:

## ALL-PURPOSE NOTARIAL ACKNOWLEDGMENT

State of California

County of San Mateo

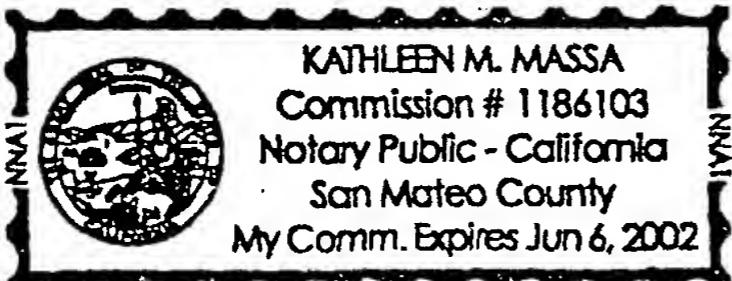
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SIGNER IS REPRESENTING:

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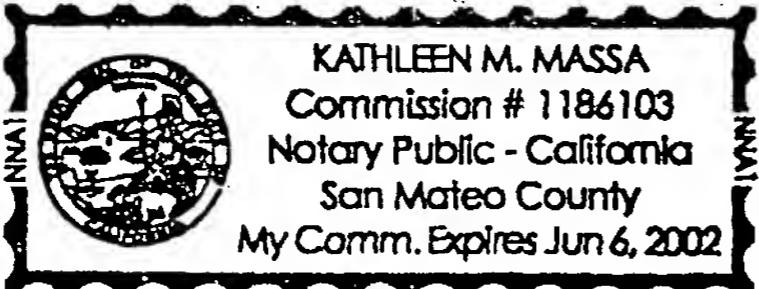
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## NUMBER OF PAGES DATE OF DOCUMENT

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## SIGNER (OTHER THAN NAMED ABOVE)

SIGNER IS REPRESENTING: